

REMARKS

Claims 1 and 3-9 are pending in the application. Claim 1 has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to emphasize that the working fluid which has passed through the condenser is made to fall on an upper portion of, and flow along, the curved surface of the heat absorption portion. Support for such amendment is found, for example, in Fig. 1 of the present application.

I. REJECTION OF CLAIMS 1 AND 3 UNDER 35 USC §103(a)

Claims 1 and 3 now stand rejected under 35 USC §103(a) based on *Marshall* in view of *Pierce*. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Marshall does not teach or suggest a heat absorption portion with a curved surface as recited in claim 1. Nor does *Marshall* teach or suggest the advantages associated with such a configuration. Furthermore, *Pierce* does not make up for the deficiencies in *Marshall* in this regard.

Still further, in order to emphasize more clearly such distinction, claim 1 has been amended to recite that the working fluid which has passed through the condenser is made to fall on an upper portion of, and flow along, the curved surface of the heat absorption portion. Neither *Marshall* nor *Pierce* teach or suggest such a configuration for a loop-type thermosiphon.

Specifically, *Marshall* and *Pierce* each fail to teach or suggest condensed working fluid being dropped on the upper portion of a curved surface of the heat absorption portion through the liquid pipe such that the condensed working fluid flows

along the curved surface. Further, *Marshall* and *Pierce* each fail to teach or suggest the advantage of such a configuration, namely that heat is drawn effectively from the evaporator during flowing of the condensed working fluid along the curved surface.

For at least such reasons, claims 1 and 3 patentably distinguish themselves over the teachings of *Marshall* and *Pierce* and the rejection should be withdrawn.

In addition, the requisite motivation for making the combination proposed by the Examiner is lacking. The Examiner indicates that Fig. 3 of *Marshall* requires a pump 21. The Examiner argues that it would have been obvious to one having ordinary skill in the art, based on the teachings of *Pierce*, to elevate the condenser in *Marshall* so as to return the condensed liquid to the evaporator section through gravity. The Examiner argues that one would have been motivated to perform such modification so as to avoid the need for the pump taught in *Marshall*, and the energy to run such a pump.

However, the embodiment of Fig. 3 of *Marshall* (upon which the Examiner relies) utilizes a spray deck 25 to provide a flood of spray. (See, e.g., page 2, right column, lns. 62-73). In order for a spray deck 25 to provide such spray, it is essential that the system in *Marshall* have such a pump 21. In other words, the embodiment of Fig. 3 in *Marshall* would be inoperative for its intended purpose if modified so as not to include the pump 21. Thus, applicants respectfully submit that it would not have been obvious to modify the system in Fig. 3 of *Marshall* so as omit the pump 21 since this would render the system inoperative for its intended purpose. The spray deck 25 would no longer be able to provide the requisite spray.

Thus, for at least these additional reasons the invention is neither taught nor suggested by *Marshall* and/or *Pierce*. Applicants respectfully request that the rejection be withdrawn.

II. REJECTIONS OF CLAIMS 4-9 UNDER 35 USC §103(a)

Claims 4-7 stand rejected under 35 USC §103(a) based on *Marshall* in view of *Pierce*, and further in view of *Jones*. Claims 8 and 9 stand rejected under 35 USC §103(a) based on *Marshall* in view of *Pierce*, and further in view of *DiPaolo* and *Berchowitz et al.*, respectively. Applicants respectfully request withdrawal of these rejections for at least the following reasons.

Claims 4-9 each depend from claim 1 and can be distinguished over *Marshall* and *Pierce* for at least the same reasons discussed above. Furthermore, *Jones*, *DiPaolo* and *Berchowitz et al.* each fail to make up for the deficiencies in *Marshall* and *Pierce*.

As a result, applicants respectfully request that the rejections of claims 4-9 also be withdrawn.

III. CONCLUSION

Accordingly, all claims 1 and 3-9 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Application No.: 10/510,502

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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